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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	<input checked="" type="checkbox"/> PROVISIONAL ORDER
	:	OF DISCIPLINE
NORA J. NEWTON, LPN	:	
License # 26NP05328500	:	<input checked="" type="checkbox"/> FINAL ORDER
	:	OF DISCIPLINE
	:	(Finalized by default
TO PRACTICE NURSING IN THE	:	on <u>August 13, 2015</u>)
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the

Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Nora J. Newton ("Respondent") is a Licensed Practical Nurse (LPN) in the State of New Jersey and has been a licensee at all times relevant hereto. (Exhibit A).

2. Respondent was arrested on March 12, 2014 in Sussex County, New Jersey and charged with violating N.J.S.A. 2C:20-11B(1) (Shoplifting). On April 2, 2014 in the Joint Municipal Court of the Townships of Green, Fredon, Hampton and the Borough of Andover, Respondent pled guilty to the downgraded offense of violating N.J.S.A. 2C:33-2(a)(2) (Improper Behavior/Disorderly Conduct) and was assessed \$664 in fines, costs, and fees. Respondent admitted that she had paid for the bulk of items in the basket of her shopping cart, but had not paid for a few items that were under her coat in the child seat area. (Exhibit B).

3. The Board received information indicating that Respondent was arrested four months later, on July 3, 2014 by members of the Newton Police Department and charged with violating N.J.S.A. 2C:20-11B(2) (Shoplifting). On September 23, 2014 in the Newton Municipal Court, Respondent was found guilty of violating N.J.S.A. 2C:20-11(b)(2) (Shoplifting) and was

sentenced to 10 days of community service and assessed \$657 in fines, costs, and fees. (Exhibit C).

CONCLUSIONS OF LAW

Respondent's convictions for shoplifting subject her to discipline as she has been convicted of, or engaged in acts constituting, a crime or offense relating adversely to the practice of nursing within the intendment of N.J.S.A. 45:1-21(f). Shoplifting is adverse to the practice of nursing in that nurses care for vulnerable populations who place their trust in the nurses and may be incapable of securing their personal belongings while under the care of a nurse.

Respondent appeared at an investigative inquiry and expressed remorse. She demonstrated timely completion of all required continuing education and submitted a satisfactory performance review from her current employer. Nonetheless, Respondent is subject to enhanced penalties for repeated violations pursuant to N.J.S.A. 45:1-25(a).

ACCORDINGLY, IT IS on this 30th day of April, 2015, ORDERED that upon the filing of a FINAL ORDER OF DISCIPLINE in this matter:

1. Respondent's license to practice nursing is suspended for two years which suspension shall be entirely stayed and served as a period of probation.

2. Respondent is reprimanded for her violation of N.J.S.A. 45:1-21(f).

3. A civil penalty in the amount of two hundred and fifty dollars (\$250) is imposed for violation of N.J.S.A. 45:1-21(f). Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of a **Final Order of Discipline**. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

4. Upon the filing of a Final Order of Discipline, Respondent shall immediately provide a copy of the Final Order of Discipline to her current employer[s] and shall provide a copy to any future nursing employers until the period of probation is lifted. The two year period of probation shall only be considered served while Respondent is employed as a

nurse in New Jersey.

5. Respondent shall notify the Board within ten days in writing: after any changes in employment as a nurse, and if she is arrested, indicted, or convicted for any crime or disorderly persons offense. Any arrest, indictment, or conviction for any crime or disorderly persons offense within the probationary period shall be considered a violation of probation. Respondent shall provide the Board with written proof of completion of probation relating to her most recent arrest.

6. Respondent shall obey all the laws of the State of New Jersey, the United States and their political subdivisions as well as all regulations, rules or statutes pertaining to the practice of nursing in the State or jurisdiction in which she practices nursing, as well as the bylaws of any facility at which she works.

7. Respondent may petition the Board in writing when she has worked as a nurse in New Jersey for two years on probation if she wishes to have the period of probation lifted.

8. Any deviation from the terms of this Order without the prior written consent of the Board shall constitute a failure to comply with the terms of this Order. Upon receipt of any reliable information indicating that Respondent has violated any term of this Order, Respondent's license may be automatically

suspended by the Board until further Order of the Board. Within fifteen days following receipt of such notice, Respondent may request a hearing to contest the entry of such an Order. At any such hearing, the sole issue shall be whether any of the information received was materially false. In addition, the Board reserves the right to bring further disciplinary action upon receipt of any new information.

9. The within order shall be subject to finalization by the Board at 5:00 p.m. on the 30th day following entry hereof unless Respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a) Submitting a written request for modification or dismissal to George Hebert, Executive Director, State Board of Nursing, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor or offered in mitigation of penalty.

10. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a

supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration, a Final Order of Discipline will be entered.

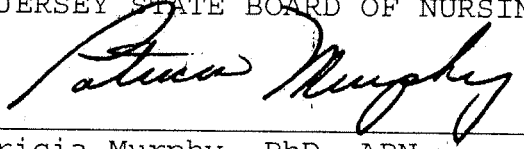
11. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions and sanctions stated herein.

12. In the event that the Board receives no written submission from Respondent within 30 days following filing of this Provisional Order of Discipline, without further Board review, the Provisional Order of Discipline shall automatically become the Final Order of Discipline. The box for Final Order of Discipline shall be checked, the Final Order of Discipline shall be filed, and copies shall be mailed to Respondent. Thereafter, Respondent's failure to comply with any sanction or penalty imposed by this Order shall be considered a violation of

a Board Order in contravention of N.J.S.A. 45:1-21 (e) and (h) and N.J.A.C. 13:45C-1.4 and may subject Respondent to additional sanction and/or penalty.

NEW JERSEY STATE BOARD OF NURSING

By: _____


Patricia Murphy, PhD, APN
President